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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/736,906	12/13/2000	Daniel R. Michelson	207950	8383

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EXAMINER

SAADAT, CAMERON

ART UNIT PAPER NUMBER

3713

DATE MAILED: 02/11/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

N.K.

Office Action Summary

Application No.

09/736,906

Applicant(s)

MICHELSON ET AL.

Examiner

Cameron Saadat

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 November 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s) _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

In response to Amendment filed on 11/25/02, claims 1 and 3-20 are pending. Claim 2 has been cancelled.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

3. **Claims 1, 3-6, 8-13, 16, and 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Amtex Corporation (EP 0782338A2).**

Regarding claims 1, 9, 12, and 18, Amtex Corporation discloses a karaoke system and method comprising a video image capturing device 24 for processing a video image of a karaoke performer 26; a karaoke medium player for retrieving audio signals and an indicia image of a song from a karaoke medium wherein the indicia image contains words 20 for the song (column 11, line 33). It further discloses a means for downscaling and repositioning (column 4, lines 4-5)

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the image of the karaoke performer and removing a portion of the background image from the image of the karaoke performer to form a modified image of the karaoke performer (column 16, lines 41-52); a means to composite the modified image of the karaoke performer with the indicia image to provide an output video image for display on a video display (column 11, lines 28-36).

Amtex Corporation forms a modified image of the karaoke performer by downscaling and repositioning, and removing background image, whereas Applicant directs modification towards the indicia image. It would have been an obvious matter of design choice to modify either image (performer or indicia) allowing both images to be displayed simultaneously, wherein the indicia image does not overlap and conceal the image of the karaoke performer, or vice versa, thereby allowing the performer to easily read the lyrics in the indicia image and view the image of him/her self simultaneously. No stated problem is solved or unexpected result is obtained by prescribing the image modification techniques (downscaling and repositioning, and removing background image) to the indicia image instead of the performer image.

Regarding claim 3 and 10, Amtex Corporation discloses a karaoke system and image processing device wherein the means to composite comprises overlaying the indicia image on the image of the karaoke performer to form an output video image (column 11, lines 32-36).

Regarding claims 4, 11, 13, and 19 Amtex Corporation discloses a karaoke system wherein the image processing means removes the background image in the image of the performer completely (column 16, lines 41-52).

Regarding claim 5, Amtex Corporation discloses a karaoke system wherein the means for downscaling and compositing are implemented in a stand-alone device separate from the karaoke medium player (see Figure 22, ref 30).

Regarding claim 6, Amtex Corporation discloses a karaoke system wherein the means for downscaling and compositing are implemented as components of the karaoke medium player (see Figure 19, ref 30).

Regarding claims 8 and 20, Amtex Corporation discloses a karaoke system with the means for downscaling an image but does not specifically teach that the image is downscaled vertically by selectively dropping lines of the image. However, it is the examiner's position that such features are inherent to scaling and old and well know in the art.

Regarding claim 16, Amtex corporation discloses a karaoke system wherein the video processing circuit 4 includes a subcode processor 18 for receiving a stream of subcode data retrieved from the karaoke medium representing the indicia image and modifying the subcode data to effect the repositioning with the indicia image control 50a (see Figure 17).

4. Claims 7, 14, 15, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Amtex Corporation (EP 0782338A2) in view of Kim (U.S. Patent No. 5,506,690).

Referring to claims 7 and 14, Amtex Corporation discloses a karaoke medium player but does not specify a compact-disk-plus-graphics (CD+G) disk. However, Kim teaches the use of a compact-disk-plus-graphics disk for a karaoke medium player (column 1, lines 18-20). In view of Kim, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the karaoke medium player of Amtex Corporation so that it utilizes a compact-disk-graphics disk because such a disk is capable of storing video and audio information, including song text information, which is necessary for a karaoke medium player. Furthermore, using such devices as compact-disk-graphics disks or laser disks for the purpose of a karaoke medium player is old and well known in the art.

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Referring to claims 15 and 17, Amtex Corporation discloses a karaoke medium player wherein the video processing circuit composites the indicia image with an external video image and video processing circuit 4 also includes a subcode processor 18 which sends the modified subcode data to a microprocessor 50a (see Figure 17). However, Kim teaches a video processing circuit that includes a compact-disk-plus-graphics disk and decoder (column 1, lines 18-20). In view of Kim, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the video processing circuit of Amtex Corporation so that it utilizes a compact-disk-graphics disk because such a disk decoder thereby allowing the use of a (CD+G) disk for storage, which is capable of storing video and audio information, including song text information that can be easily extracted with a video processing circuit. Furthermore, using such devices as compact-disk-graphics disks or laser disks for the purpose of a karaoke medium player is old and well known in the art.

Response to Arguments

5. Applicant's arguments filed on 11/25/02 have been fully considered but they are not persuasive. Applicant asserts that the present invention assumes a format in which the Karaoke video signal presents the words of a song as word images embedded in a background image, that if unaltered, will occupy a significant portion of the screen. Therefore the claimed invention removes the background image of the words, and provides downscaling and relocation to provide a modified indicia image, which is then composited with the video image of the Karaoke performer. It is the Applicant's position that Amtex Corporation does not teach the mentioned image modification with regards to the image of the words.

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The Office asserts that, in Amtex Corporation, the video signal comprising the image of the karaoke performer similarly contains a background image, that if unaltered, will occupy a significant portion of the screen. Amtex Corporation forms a modified image of the karaoke performer by downscaling and repositioning, and removing background image. It would have been an obvious matter of design choice to modify either image (performer or indicia) allowing both images to be displayed simultaneously, wherein the indicia image does not overlap and conceal the image of the karaoke performer, or vice versa, thereby allowing the performer to easily read the lyrics in the indicia image and view the image of him/her self simultaneously. No stated problem is solved or unexpected result is obtained by prescribing the image modification techniques (downscaling and repositioning, and removing background image) to the indicia image instead of the performer image.

Conclusion

6. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cameron Saadat whose telephone number is 703-305-5490. The examiner can normally be reached on M-F 8:00 - 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Valencia Martin Wallace can be reached on 703-308-4119. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9302 for regular communications and 703-872-9303 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1148.

CS

CS
January 30, 2003


VALENCIA MARTIN-WALLACE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700